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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/894,568  
Filing Date: June 27, 2001  
Appellant(s): KIM ET AL.

**MAILED**

**FEB 15 2007**

**Technology Center 2600**

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David Schnaph  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 10/06/06 and 9/14/06 appealing from the Office action mailed 5/2/06. The statement made in the Appeal Brief that this appeal is taken from the non-final Office Action dated 11/16/04 is incorrect.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

*- Grounds of Rejection withdrawn:*

Rejections under 35 U.S.C § 103

Rejection 1: **Claims 1 - 8 and 34 - 41** were rejected as obvious over Blankenship et al. (U.S. Pat. No. 5,726,684) in view of Fujioka (U.S. Pat. No. 6,674,424).

Rejection 2: **Claims 10 - 15 and 42 - 46** were rejected as obvious over Junod et al. (U.S. Pat. No. 5,854,621) in view of Donovan (U.S. Pat. No. 5,252,968).

Rejection 3: **Claims 16, 17 and 20** were rejected as obvious over Blankenship et al. in view of Cheng (U.S. Pat. No. 5,457,479) and Herng-Chuen (U.S. Pat. No. 5,914,703).

Rejection 4: **Claims 21 - 23** were rejected as obvious over Blankenship et al. in view of Cheng, Herng-Chuen and Wang.

Rejection 5: **Claims 47, 48, 61 and 65** were rejected as obvious over Herng-Chuen in view of Cheng.

Rejection 6: **Claims 49 - 52** were rejected as obvious over Herng-Chuen in view of Cheng and Wang.

Rejection 7: **Claim 62** was rejected as obvious over Herng-Chuen in view of Cheng and Kim et al. (U.S. Pat. No. 5,952,996).

Rejection 8: **Claims 24 and 25** were rejected as obvious over Yeom et al. in view of Blankenship et al.

Rejection 9: **Claims 28 and 55** were rejected as obvious over Yeom et al. in view of Blankenship et al. or Klein et al. (U.S. Pat. No. 6,163,326).

Rejection 10: **Claims 29 - 33 and 56 - 60** were rejected as obvious over Oka (U.S. Pat. No. 5,049,863) in view of Long et al. (U.S. Pat. No. 5,416,909).

- ***Grounds of Rejection to be Reviewed:***

A. Double patenting rejection

Rejection 1: **claims 1-8, 10-17, 20-25, 28-62 and 65** are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-9 of U.S. Patent No. 6,424,335.

B. Rejections under 35 U.S.C. § 102

Rejection 2: **Claims 53 and 54** were rejected as being anticipated by Yeom et al., U.S. Pat. No. 5,943,625.

- ***NEW GROUNDS OF REJECTION:***

A. Rejection under 35 U.S.C. § 112

Rejection 3: **Claims 28 and 55** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement.

B. Rejections under 35 U.S.C. § 102

Rejection 4: **Claims 1-3 and 34-36** rejected under 35 U.S.C. 102(b) as being anticipated by Helot et al. (U.S. Patent No. 5,781,177).

Rejection 5: **Claim 4** is rejected under 35 U.S.C. 102(b) as being anticipated by Blankenship et al. (U.S. Patent No. 5,726,684).

Rejection 6: **Claims 10, 42, and 44** are rejected under 35 U.S.C. 102(b) as being anticipated by Junod et al. (U.S. Patent No. 5,854,621).

Rejection 7: **Claims 29 and 56** are rejected under 35 U.S.C. 102(e) as being anticipated by Bowers et al (U.S. Patent No.6,392,634).

Rejection 8: **Claims 47, 48, 49, 61 and 65** are rejected under 35 U.S.C. 102(e) as being anticipated by Bowers et al. (U.S. Patent No. 6,392,634).

Rejection 9: **Claims 1, 3-5, 34, and 36** are rejected under 35 U.S.C. 102(e) as being anticipated by Klein et al. (US Patent No. 6,205,021).

C. Rejections under 35 U.S.C § 103

Rejection 10: **Claims 2, 7, 8, 35, 37** are rejected under 35 U.S.C. 103(a) as being unpatentable over Klein et al. (US Patent No. 6,205,021).

Rejection 11: **Claims 5, 7, 8** are rejected under 35 U.S.C. 103(a) as being unpatentable over Blankenship et al. in view of Helot et al.

Rejection 12: **Claim 6** is rejected under 35 U.S.C. 103(a) as being unpatentable over Blankenship et al. in view of Vossler (U.S. Patent No. 5,781,405).

Rejection 13: **Claims 11, 13, 15, and 46** are rejected under 35 U.S.C. 103(a) as being unpatentable over Junod et al..

Rejection 14: **Claims 12 and 43** are rejected under 35 U.S.C. 103(a) as being unpatentable over Junod et al. as applied to **claim 11 and claim 42**, respectively, and further in view of Farewell (U.S. Patent Number 5,650,831).

Rejection 15: **Claims 16, 17, and 20-23** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowers in view of Junod et al..

Rejection 16: **Claims 24, 25, and 28** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowers in view of Junod et al. and Stobbs et al (US Patent No. 5,631,669).

Rejection 17: **Claims 24, 25, and 28** are rejected under 35 U.S.C. 103(a) as being unpatentable over Yeom et al. in view of Junod et al..

Rejection 18: **Claims 30-32 and 57-59** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowers et al. (U.S. Patent No. 6,392,634) in view of Long et al. (U.S. Patent No. 5,416,909).

Rejection 19: **Claims 33 and 60** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowers in view of Long et al. as applied to **claims 29-32 and 56-59** above, and further in view of Fukuzaki (US Patent No. 5,731,801).

Rejection 20: **Claim 37** is rejected under 35 U.S.C. 103(a) as being unpatentable over Helot et al. in view of Vossler.

Rejection 21: **Claims 38-40** are rejected under 35 U.S.C. 103(a) as being unpatentable over Helot et al. in view of Blankenship et al..

Rejection 22: **Claim 41** is rejected under 35 U.S. C. 103(a) as being unpatentable over Helot et al. in view of Blankenship et al. as applied to **claims 38-40** above, and further in view of Vossler.

Rejection 23: **Claims 50-52** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowers.

Rejection 24: **Claims 53-55** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowers et al. in view of Stobbs et al (US Patent No. 5,631,669).

Rejection 25: **Claim 55** is rejected under 35 U.S.C. 103(a) as being unpatentable over Yeom et al. in view of Bowers et al..

Rejection 26: **Claim 62** is rejected under 35 U.S.C. 103(a) as being unpatentable over Bowers et al. in view of Helot et al..

### **(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

### **(8) Evidence Relied Upon**

6,392,634	BOWERS ET AL.	5-2002
5,726,684	BLANKENSHIP	3-1998
5,854,621	JUNOD ET AL.	12-1998
5,416,909	LONG ET AL.	5-1995
5,650,831	FARWELL	7-1997
5,781,177	HELOT ET AL.	7-1998
5,781,405	VOSSLER	7-1998
5,943,625	YEOM ET AL.	8-1999
5,731,801	FUKUZAKI	3-1998
6,205,021	KLEIN et al.	3-2001
5,631,669	STOBBS ET AL.	3-1997

### **(9) Grounds of Rejection**

1. The following ground(s) of rejection are applicable to the appealed claims:

#### ***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-8, 10-17, 20-25, 28-62 and 65 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-9 of U.S. Patent No. 6,424,335. Although the conflicting claims are not identical, they are not patentably distinct from each other because they both recite similar limitations, as exemplified in the following:

Since claim 1 in the current application is a "comprising-type" claim, it covers the claimed notebook computer in both the parent case and present application. The application claim 1 is not directed to a patentable distinct invention as claimed in the

parent case claim 1, rather they overlap in scope. There is no additional invention or discovery of the application claim 1 other than what was claimed in the parent claim 1. Thus, it would have been obvious to one of ordinary skill in the art to readily recognize that treating claim 1 of the present application as a whole, despite the omission of the limitations in claim 1 of the present application, claim 1 of the present application would constitute an obvious variation of the parent case claim 1.

Claims 2-8 are various combinations that would render them obvious in view of claim 1 of the parent patent for the same reason discussed above.

Since claim 16 in the current application is a “comprising-type” claim, it covers the claimed input device in both the parent case and present application. The application claim 16 is not directed to a patentable distinct invention as claimed in the parent case claim 2, rather they overlap in scope. There is no additional invention or discovery of the application claim 16 other than what was claimed in the parent claim 2. Thus, it would have been obvious to one of ordinary skill in the art to readily recognize that treating claim 16 of the present application as a whole, despite the omission of the limitations in claim 16 of the present application, claim 16 of the present application would constitute an obvious variation of the parent case claim 2.

Claims 17-23 are various combinations that would render them obvious in view of claim 2 of the parent patent for the same reason discussed above.

Since claim 24 in the current application is a “comprising-type” claim, it covers the claimed input unit in both the parent case and present application. The application claim 24 is not directed to a patentable distinct invention as claimed in the parent case claim 3, rather they overlap in scope. There is no additional invention or discovery of the application claim 1 other than what was claimed in the parent claim 24. Thus, it would have been obvious to one of ordinary skill in the art to readily recognize that treating claim 24 of the present application as a whole, despite the omission of the limitations in claim 24 of the present application, claim 24 of the present application would constitute an obvious variation of the parent case claim 3.

Claims 25 and 28 are various combinations that would render them obvious in view of claim 3 of the parent patent for the same reason discussed above.

Since claim 47 in the current application is a “comprising-type” claim, it covers the claimed input device in both the parent case and present application. The application claim 47 is not directed to a patentable distinct invention as claimed in the parent case claim 6, rather they overlap in scope. There is no additional invention or discovery of the application claim 47 other than what was claimed in the parent claim 6. Thus, it would have been obvious to one of ordinary skill in the art to readily recognize that treating claim 47 of the present application as a whole, despite the omission of the limitations in claim 47 of the present application, claim 47 of the present application would constitute an obvious variation of the parent case claim 6.

Claims 48-52 are various combinations that would render them obvious in view of claim 6 of the parent patent for the same reason discussed above.

Since claim 53 in the current application is a “comprising-type” claim, it covers the claimed wireless input device in both the parent case and present application. The application claim 53 is not directed to a patentable distinct invention as claimed in the parent case claims 7 and 8, rather they overlap in scope. There is no additional invention or discovery of the application claim 53 other than what was claimed in the parent claims 7-8. Thus, it would have been obvious to one of ordinary skill in the art to readily recognize that treating claim 53 of the present application as a whole, despite the omission of the limitations in claim 53 of the present application, claim 53 of the present application would constitute an obvious variation of the parent case claim 53.

Claims 54 and 55 are various combinations that would render them obvious in view of claims 7-8 of the parent patent for the same reason discussed above.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 53 and 54** are rejected under 35 U.S.C. 102(b) as being anticipated by Yoem et al. (U.S. Patent No. 5,943,625).

Yeom et al. teaches a wireless input device for transmitting data to a computer comprising a housing (200), a pointing device for generating positional information (25), a sound input non-pointing device mounted on the housing for generating input information for the computer (see column 5, lines 1-7), a transmitter (235, 261, 263) for transmitting data from the pointing and non-pointing devices, and a selector for choosing between operating the input device as the pointing device or non-pointing device (see column 4, lines 34-59).

## NEW GROUNDS OF REJECTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 28 and 55 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The independent **claims 24 and 53**, respectively, recite a data input device for receiving non-pointer related information, or a non-pointing device for generating input information for the computer; however, the dependent **claims 28 and 55** define the data input device for receiving non-pointer related information and the non-pointing

device as a joystick. As well known in the art, a joystick does not have the ability to receive a non-pointer related information as claimed in claim 24, neither can the joystick function as a non-pointing device as claimed in claim 53. The joystick is known in the art as a pointing device for generating positional information, as evidenced by Klein et al (US Patent No. 6,205,021). Klein explicitly teaches to provide different pointing mechanisms including a touch pad, a joystick, a trackball, or a mouse with a laptop computer so as to enable the user to choose his/her preferred device to input pointing data (see column 7 lines 25-49). Thus, one of ordinary skilled in the art would not be able to make and use the claimed joystick as a non-pointing device as claimed without undue experimentation.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. ***Claims 1-3 and 34-36*** rejected under 35 U.S.C. 102(b) as being anticipated by Helot et al. (U.S. Patent No. 5,781,177).

With reference to **claims 1 and 34**, Helot et al. teaches a portable notebook computer (10) capable of receiving infrared signals from a first detached infrared input device (160) comprising: a computer base (12) containing a second input device (16); a display section (14), comprising a display screen (28) surrounded by a frame (30), said

display section coupled to said computer base by one or more hinges (32) (see column 3, lines 3-29); and at least one infrared sensor (element 42) disposed on the display section of said notebook computer for receiving signals from the first detached input device by infrared transmission; wherein said infrared sensor is disposed on the frame of the display section so that a wide angle infrared detection response is achieved (see column 4, lines 29-42).

With reference to **claims 2 and 35**, Helot et al. teaches that the portable computer comprises a hinge (32), wherein the hinge is attached to a lower portion of the display section, coupling the display section to the computer base, and wherein the at least one infrared sensor (element 42) is disposed on an upper portion of the frame of the display section (see Figure 1).

With reference to **claims 3 and 36**, Helot et al. teaches that the notebook computer further comprises at least one additional infrared sensor (40) disposed on the notebook computer (see column 3, lines 44-60), thereby allowing the portable computer to comprises at least two receivers.

5. Claim 4 is rejected under 35 U.S.C. 102(b) as being anticipated by Blankenship et al. (U.S. Patent No. 5,726,684).

With reference to **claim 4**, Blankenship et al. teaches a notebook computer (10) adapted to receive infrared signals from an infrared input device (60), comprising: a computer base (40); a display section (20), comprising a display screen (20) surrounded by a frame, said display section coupled to the computer base (40) by one or more

hinges (30); at least two infrared sensors (140) being disposed in different surface of the computer so that a wide-angle infrared detection response is achieved, and inherently a means for combining the signals received otherwise the computer would not work (see column 3, lines 5-41).

6. **Claims 10, 42, and 44** are rejected under 35 U.S.C. 102(b) as being anticipated by Junod et al. (U.S. Patent No. 5,854,621).

With reference to **claim 10**, Junod et al. teaches an input device (10) for a computer, comprising; a housing (Figure 2); a rotatable ball (200) coupled to the housing; an optical encoder (300, 310) comprising photo-interruptors (pulses) disposed in the housing, the optical encoder providing output signals in response to rotation of the ball (see column 5, lines 1-10 and 54-63); and a control circuit (320), said control circuit receiving as inputs said output signals of the optical encoder (see column 5, lines 54-63); said control circuit also capable of controlling the power to the photo-interruptors of the optical encoder; wherein said control circuit conserves power by operating said optical encoder in a periodic pulsed mode (standby mode) when the ball is at rest longer than a preselected time interval (period of nonuse) and said control circuit utilizes the signals of the encoder in the periodic pulsed mode to determine when to resume a continuous position sensing encoder mode (see column 6, lines 37-48 and column 7, lines 1-13).

With reference to **claim 42**, Junod et al. teaches that the input device comprises a wireless transmitter (see column 5, lines 34-63).

With reference to **claim 44**, Junod et al. teaches that the wireless transmitter transmits the data as bytes with a start bit (see column 7, lines 34-37); and wherein no data are transmitted when the ball is in the power conservation state (sleep mode) (see column 6, lines 50-65).

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

8. **Claims 29 and 56** are rejected under 35 U.S.C. 102(e) as being anticipated by Bowers et al (U.S. Patent No.6,392,634).

With reference to **claims 29 and 56**, Bowers et al. teaches a notebook computer system (10) comprising: an infrared input device (30) having a first pointing device (52),

said infrared input device comprising an infrared transmitter (90) for transmitting positional control information as infrared signals (see column 6, line 58-column 7, line 4); a notebook computer (10) comprising a computer base (12), said computer base comprising a second pointing device (joystick within keyboard) and a display screen (28) surrounded by a frame (30) (see Figure 1); an infrared receiver coupled to the notebook computer to receive positional control information from the infrared input device, and inherently a signal arbitration circuit to determine how inputs from the first pointing device and the second pointing device are used to control pointer position since the computer is able to determine which pointing device is being used to input data (see column 6, line 58-column 7, line 4); wherein the infrared input device is dimensioned to removeably fit into the computer base (see Figure 1-2).

9. **Claims 47-49, 61 and 65** are rejected under 35 U.S.C. 102(e) as being anticipated by Bowers et al. (U.S. Patent No. 6,392,634).

With reference to **claims 47-49**, Bowers teaches a computer system comprising: a housing (32); a first pointing device disposed on the bottom of the housing (mouse ball); a second pointing device disposed on the top of the housing (trackball or touch pad), (see column 7, lines 24-42), and a IR transmitter (66) to transmit information form the pointing devices (see column 6, line 58-column 7, line 4); wherein the housing is dimensioned so that the input device may be gripped by a user's hand and operated as a mouse by movement of the device on a surface, or may be held along its bottom portion in the palm of a user's hand such that the second pointing device on the top

portion may be operated by thumb because of the natural positioning of the thumb when the device is held in such a manner.

With reference to **claims 61 and 65**, Bowers teaches a computer system comprising: a first input device (30) comprising a housing (32); a first pointing device disposed on the bottom of the housing (mouse ball); a second pointing device disposed on the top of the housing (touch pad), (see column 7, lines 24-42), and a transmitter (66) to transmit information from the pointing device (see column 6, line 58-column 7, line 4); and a portable computer (10) having a computer base (12) with a second input device mounted on the computer base (joystick mounted on keyboard), a display (24) connected to the computer base and a receiver for receiving said information by wireless transmission (90) (see Figure 6); wherein said computer base of the portable computer has a recess (58) for receiving the first input device (30) wherein the recess is mounted in front of the second input device (see Figure 1).

10. **Claims 1, 3-5, 34, 36** are rejected under 35 U.S.C. 102(e) as being anticipated by Klein et al. (US Patent No. 6,205,021).

With reference to **claims 1 and 34**, Klein et al. teaches a portable notebook computer (20) capable of receiving infrared signals from a first detached infrared input device (70a) comprising: a computer base (30) containing a second input device (31); a display section (80), comprising a display screen (81) surrounded by a frame, said display section coupled to said computer base by one or more hinges (82) (see column 3, lines 39-52, column 6 line 42 to column 7 line 49); and at least one infrared sensor

(element 74) disposed on the display section of said notebook computer for receiving signals from the first detached input device by infrared transmission; wherein said infrared sensor is disposed on the frame of the display section and/or the base so that a wide angle infrared detection response is achieved (see column 7 lines 1-6).

With reference to **claims 3 and 36**, Klein et al. teaches that the notebook computer further comprises at least one additional infrared sensor disposed on the notebook computer (see column 6 line 42 to column 7 line 49), thereby allowing the portable computer to comprises at least two receivers.

With reference to claims 4-5, Klein teaches a portable notebook computer (20) capable of receiving infrared signals from a first detached infrared input device (70a) comprising: a computer base (30) containing a second input device (31); a display section (80), comprising a display screen (81) surrounded by a frame, said display section coupled to said computer base by one or more hinges (82) (see column 3, lines 39-52, column 6 line 42 to column 7 line 49); and at least two infrared sensor (Klein teaches to place elements 74 in the base and the display housing), at least one sensor disposed on the display section of said notebook computer for receiving signals from the first detached input device by infrared transmission; wherein said infrared sensor is disposed on the frame of the display section and/or the base so that a wide angle infrared detection response is achieved, and inherently a means for combining the signals received otherwise the computer would not work (see column 7 lines 1-6).

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

12. **Claims 2, 7, 8, 35, and 37** are rejected under 35 U.S.C. 103(a) as being unpatentable over Klein et al. (US Patent No. 6,205,021).

With reference to **claims 2, 7, 8, 35, 37**, Klein et al. teaches all that is required as explained above, and further that the portable computer comprises a hinge, wherein the hinge is attached to a lower portion of the display section, coupling the display section to the computer base, and wherein a plural infrared sensors are disposed on various places including the frame of the display section (see column 7 lines 1-6). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to modify the location of the IR sensors in the device of Klein as in the upper

portion of the display section and/or proximate the hinge region of the display frame since Klein suggested that placing the IR sensors in various places including the frame of the display section and the base of the computer to improve the signal reception.

13. **Claims 5, 7, 8** are rejected under 35 U.S.C. 103(a) as being unpatentable over Blankenship et al. in view of Helot et al.

With reference to **claims 5, 7, and 8**, Blankenship et al. teach all that is required as explained above, but failed to teach the claimed various positions of the IR sensor. However, Blankenship further teaches that the IR sensors would be preferably disposed at locations on at least two surfaces of the PC (column 3 lines 35-40).

Helot et al. teaches at least one infrared sensor (40, 42) disposed on the display section of a notebook computer, and another IR sensor (83) disposed along a rear panel of the notebook computer, for receiving signals from the detached input device by infrared transmission.

Thus, in order to achieve a wide angle detection of response, it would have been obvious for ordinary skilled in the art to dispose the IR sensor at the location of display frame as taught by Helot, or the regions proximate to the hinge region, so as to achieve the at least two surfaces suggested by Blankenship.

14. **Claim 6** is rejected under 35 U.S.C. 103(a) as being unpatentable over Blankenship et al. in view of Vossler (U.S. Patent No. 5,781,405).

With reference to **claim 6**, Blankenship et al. teach all that is required as explained above, however fails to teach the usage of at least one sensor which is an external elevated sensor coupled to the computer base section.

However, Vossler teaches the usage of at least one sensor that is an external elevated sensor coupled to the computer base section (see Figures 6, 8-11).

Since the system of Blankenship provides a wide angle response using multiple sensors, and Vossler's sensor also provides a wide angle response using an elevated sensor, therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to combine the two reference. The advantage of the combination of both references is readily recognized by ordinary skilled in the art.

15. **Claims 11, 13, 15, and 46** are rejected under 35 U.S.C. 103(a) as being unpatentable over Junod et al..

With reference to **claim 11**, Junod et al. teach the usage of radio frequency (RF) transmission. Furthermore, Junod et al. teach that it is known in the art to use an infrared transmitter for transmitting signals from a wireless mouse to a computer, although doing so would result in poor operation of the device due to alignment issue (column 1, lines 33-45).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to allow the usage of an IR transmitter as opposed to an RF transmitter, as well known by those skilled in the art, to be used in a device similar to

that which is taught by Junod et al. since Junod clearly teaches that the IR is known to be used in the environment.

With reference to **claim 13**, Junod et al. teaches that the wireless transmitter transmit the data as bytes with a start bit (see column 7, lines 34-37); and wherein no data are transmitted when the ball is in the power conservation state (sleep mode) (see column 6, lines 50-65).

With reference to **claims 15 and 46**, Junod et al. teaches that the input device further comprises a laser pointer in teaching the usage of a wireless presentation pointing device (see column 9, lines 39-47).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to allow the usage of a laser pointer device as a wireless presentation means in order to provide an array of different input device which is comfortable for use by the user. It's well known in the art to use a laser pointer in a presentation.

16. **Claims 12 and 43** are rejected under 35 U.S.C. 103(a) as being unpatentable over Junod et al. as applied to **claim 11 and claim 42**, respectively, and further in view of Farewell (U.S. Patent Number 5,650,831).

With reference to **claims 12 and 43**, Junod et al. teaches all that is required as explained above, however fails to teach the usage of a range switch comprising at least two infrared transmitter power settings.

Farewell teaches the usage of a range switch (934;Figure 9c) range switch comprising at least two infrared (see column 5, lines 5-7) transmitter power settings (one power setting when the user is close and a second when the user is further away; see column 16, lines 41-56).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to allow the usage of a range switch for controlling the power settings of the transmitter, similar to that which is taught by Farwell, in a device capable of wireless transmission similar to that which is taught by Junod et al. since both references are directed to methods for reducing power consumption in a computer input system. One of ordinary skill in the art would have recognized the advantage of using any one of the methods, or its alternative, to reduce power.

17. **Claims 16, 17, and 20-23** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowers in view of Junod et al..

With reference to **claim 16**, Bowers teaches a computer system comprising: a housing (32); at least one mouse button coupled to the top surface of the housing, a first pointing device disposed on the bottom of the housing (mouse ball); a second pointing device disposed on the top of the housing (touch pad), (see column 7, lines 24-42), and a IR transmitter (66) to transmit information from the pointing devices (see column 6, line 58-column 7, line 4); wherein the housing is dimensioned so that the input device may be gripped by a user's hand and operated as a mouse by movement of the device on a surface, or may be held along its bottom portion in the palm of a user's hand such

that the second pointing device on the top portion may be operated by thumb because of the natural positioning of the thumb when the device is held in such a manner.

Bower teaches a unit for measuring the motion of the mouse ball (70, 74, 76), but fails to be any disclosure of the usage of an optical encoder coupled to the mouse ball comprising photo-interruptors to measure the motion of the mouse ball.

Junod et al. teaches the usage of optical encoders (300, 310) coupled to a mouse ball (200) (see column 4, line 60-column 5, line 5), wherein said optical encoder comprising photo-interruptors to measure the motion of the ball (see column 5, lines 54-63).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to allow the usage of an optical encoder comprising photo-interruptors to measure the motion of the ball similar to that which is taught by Junod et al. in a device similar to that which is taught by Bowers in order to provide a mouse for data input to the computer with good sensibility, low cost and long operating life.

With reference to **claims 17, 20-22**, Bowers teaches all that is required as explained above, and further teaches using different types of input device such as trackball or touchpad as the second pointing device (column 7 lines 15-42). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to allow the usage of a touch pad, trackball, or other type input device such as an ergo track input device, an eraser-head type input device, as taught by Bowers in order to provide the user with a compact wireless input device which is capable of

providing a second input device or other functions which is best suited for each individual user as suggested by Bowers.

**Claim 23** recites that the input device further comprises a laser pointer. During a presentation, Bowers teaches the use of a mouse as a pointer. As known in the art, laser pointer is an alternative form of a pointer for presentation. Would it be obvious to incorporate a laser pointer into a mouse to perform the same functions as a pointer? In view of Bowers' teaching of various forms of pointing devices, one of ordinary skill in the art would readily recognize the availability of the various pointing devices and the desire to use them as taught by Bowers. Thus, it would have been obvious to incorporate the laser pointer into the pointing device of Bowers.

18. **Claims 24, 25, and 28** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowers in view of Junod et al. and Stobbs et al (US Patent No. 5,631,669).

With reference to **claim 24 and 25**, Bowers teaches a computer system comprising: a housing (32); at least one mouse button coupled to the top surface of the housing, a first pointing device disposed on the bottom of the housing (mouse ball); a second pointing device disposed on the top of the housing (touch pad), (see column 7, lines 24-42), and a IR transmitter (66) to transmit information from the pointing devices (see column 6, line 58-column 7, line 4).

Bowers teaches a unit for measuring the motion of the mouse ball (70, 74, 76), but fails to be any disclosure of the usage of an optical encoder coupled to the mouse ball comprising photo-interruptors to measure the motion of the mouse ball.

Junod et al. teaches the usage of optical encoders (300, 310) coupled to a mouse ball (200) (see column 4, line 60-column 5, line 5), wherein said optical encoder comprising photo-interruptors to measure the motion of the ball (see column 5, lines 54-63).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to allow the usage of an optical encoder comprising photo-interruptors to measure the motion of the ball similar to that which is taught by Junod et al. in a device similar to that which is taught by Bowers in order to provide a mouse for data input to the computer with good sensibility, low cost and long operating life.

Bowers modified by Junod does not teach to use the mouse to receive and transmit non-pointer related information.

However, Stobbs teaches a wireless mouse, using RF or infrared transmission system, having a microphone integrated therein and a switch (32) for switching between a mouse mode and voice input mode (see column 3 lines 32-44) so as to enable the user to input voice data to the computer (see column 2 lines 30-55).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to integrate a microphone into a mouse as taught by Stobbs in the system of Bowers as modified so as to enable the user to conveniently input voice data to the computer and save desktop space as suggested by Stobbs.

With reference to **claim 28**, Bowers teaches the use of different types of pointing devices including a mouse, a keypad, or a joystick (in the center of keyboard, see Figure 1), but fails to teach using the transmitter to transmit data from the joystick.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the device of Bowers to use a joystick as a wireless input device which uses a transmitter to transmit data so as to enable the user to choose a preferred one from different types of input device as suggested by Bowers.

19. **Claims 24, 25, and 28** are rejected under 35 U.S.C. 103(a) as being unpatentable over Yeom et al. in view of Junod et al..

With reference to **claim 24**, Yeom et al. teaches a multi-input infrared input unit (200) comprising a housing (200) having a substantially planar bottom surface, a substantially planar top surface, flared sides, and a first end and a second end; at least one mouse button (28) coupled to the top surface of the housing proximate to a first end; a mouse ball (25) coupled to the bottom surface of the housing (see Figures 5-7); a data input device (231) to receive non-pointer related information and an infrared transmitter to transmit digital data (26) (see column 5, lines 32-41); a control circuit (21); and a mode control switch (S1, 29) coupled to the control circuit to select between a mouse mode and at least one other data input mode (see column 4, lines 36-40); wherein the control circuit acts in the mouse mode to transmit infrared data corresponding to positional information and the control circuit acts in the data input

mode to transmit RF data corresponding to information received by the data input device (see column 4, line 43-column 5, line 7).

Yeom fails to teach that IR data is transmitted in data input mode. Yeom does, however, teach that RF and IR are known forms of signal transmission (see column 5, lines 32-41). It would have been obvious to one having ordinary skill in the art at the time of the invention to use one or the other interchangeably in order to transmit and receive user input information. While teaching all that is explained above Yeom et al. fails to teach the usage of an optical encoder coupled to the mouse ball, wherein the optical encoder comprises photo-interruptors responsive to motion of the mouse ball.

Junod et al. teaches the usage of optical encoders (300, 310) coupled to the mouse ball (200), said optical encoder comprising photo-interruptors responsive to motion of the mouse ball (see column 5, lines 54-56).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to use an optical encoding means similar to that which is taught by Junod et al. in a device similar to that which is taught by Yeom et al. in order to thereby provide movement tracking of the mouse ball for cursor control.

With reference to **claim 25**, Yeom et al. teaches that the data input device is a microphone (231) (see Figure 1).

With reference to **claim 28**, while Yeom et al. teaches the preferred embodiment as a mouse ball, it also state that the cursor control device could be any other control input device (see column 4, lines 53-55). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to allow the usage of any other

type of input device including a joystick as the cursor control device as opposed to a mouse ball, in order to provide the user with the same operational functions without requiring the needed surface in order to operate the mouse ball.

20. **Claims 30-32 and 57-59** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowers et al. (U.S. Patent No. 6,392,634) in view of Long et al. (U.S. Patent No. 5,416,909).

With reference to **claims 30-32 and 57-59**, while Bowers et al. teaches the usage of a first and second input device, there fails to be discussion of a third pointing device, or that the second pointing device is always enabled and the arbitration criteria may be selected to lock-out inputs from the first, second, and third pointing devices or give one of the point devices priority over the others.

Long et al. teaches the usage of a plurality of input devices which would work with the signal arbitration circuit to determine how the inputs from the first through N (see Figure 1) pointing devices are used (column 2, lines 48-55), wherein any of the pointing devices are capable of being locked out (see column 5, lines 54-61) and any one of the pointing device is capable of having priority (see HOLD signal in Table 1; column 2, lines 8-11; column 5, lines 10-16).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to allow the usage of a signal arbitration circuit with at least three pointing devices similar to that which is taught by Long et al. with a device similar to that

which is taught by Bowers et al. in order to provide more than one way for the user to input cursor control data with more accuracy and less ambiguity.

21. **Claims 33 and 60** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowers in view of Long et al. as applied to **claims 29-32 and 56-59** above, and further in view of Fukuzaki (US Patent No. 5,731,801).

With reference to the claims Bowers and Long et al. teach all that is required as explained above including the arbitration circuit, however fail to teach that inputs from both the second pointing device and the infrared input device may be received and used for control at the same time.

Fukuzaki teaches the usage inputs from a first and second input device (12, 13) wherein data may be received simultaneously for controlling the displayed information (see column 1 lines 41-65).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to allow the usage of multiple inputs being received simultaneously, similar to that which is taught by Fukuzaki, with a system similar to that which is taught by Bowers and Long et al. in order to thereby provide a system which allows for simultaneously using multiple pointing devices as suggested by Fukuzaki.

22. **Claim 37** is rejected under 35 U.S.C. 103(a) as being unpatentable over Helot et al. in view of Vossler.

With reference to **claim 37**, Helot et al. teaches all that is required as explained above, however while teaching the usage of an additional receiver (83) disposed proximate to the hinge (see column 3, lines 54-56; column 7, lines 33-40), there fails to be any teaching of the main sensors (40, 42) being located in this position.

Vossler teaches a portable computer (10) having an infrared device (62) located proximate the hinge region of the display frame (see column 6, line 60-column 7, line 34).

Therefore it would have been obvious to one having ordinary skill in the art to allow the infrared sensors taught by Helot et al. to be located proximate to the hinge region similar to that which is taught by Vossler to allow for easier transmission between the notebook computer and a secondary computing device without having to move the computer, therefore allowing the user to continue to view data on the notebook computer.

23. **Claims 38-40** are rejected under 35 U.S.C. 103(a) as being unpatentable over Helot et al. in view of Blankenship et al..

With reference to **claim 38**, Helot et al. teaches a portable computer (10) adapted to receive wireless signals from a first pointing device (160) comprising; a computer base (12) comprising a second pointing device (20); and a display screen (44) surrounded by a display frame (30) attached (32) to said computer base section (12).

While Helot et al. teaches the usage of more than one receiver (40, 42, and 38) the additional receivers do not receive signals from the first pointing device.

Blankenship et al. teaches portable computer (10) adapted to receive wireless signals from a first pointing device (60) including two receivers (140) for receiving input from the first pointing device (see column 3, lines 30-41).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to allow for the usage of two receivers capable of receiving input from the first pointing device similar to that which is taught by Blankenship et al. to be used in a device similar to that which is taught by Helot et al. which allows for multiple receivers in order to improved the detection of the wireless transmitted signals.

With reference to **claims 39 and 40**, Helot et al. teaches that at least two of the receivers (40, 42) are disposed on the display frame (see Figure 1).

24. **Claim 41** is rejected under 35 U.S. C. 103(a) as being unpatentable over Helot et al. in view of Blankenship et al. as applied to **claims 38-40** above, and further in view of Vossler.

With reference to **claim 41**, Helot et al. and Blankenship et al. teach all that is required as explained above, however there fails to be any teaching of the receivers being located in this position.

Vossler teaches a portable computer (10) having an infrared device (62) located proximate the hinge region of the display frame (see column 6, line 60-column 7, line 34).

Therefore it would have been obvious to one having ordinary skill in the art to allow the infrared sensors taught by the combination of Helot et al. and Blankenship et

al. to be located proximate to the hinge region similar to that which is taught by Vossler to allow for easier transmission between the notebook computer and a secondary computing device without having to move the computer, therefore allowing the user to continue to view data on the notebook computer.

25. **Claims 50-52** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowers.

With reference to **claims 50-51**, Bowers teaches all that is required as explained above, but fails to teach that the second pointing device is either an ergo track or an eraser head type input device. However, Bowers further teaches using different types of input device such as trackball or touchpad as the second pointing device (column 7 lines 15-42). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to allow the usage of a touch pad, trackball, or other type input device such as an ergo track input device, an eraser-head type input device, as taught by Bowers in order to provide the user with a compact wireless input device which is capable of providing a second input device or other functions which is best suited for each individual user as suggested by Bowers.

**Claim 52** recites that the input device further comprises a laser pointer. During a presentation, Bowers teaches the use of a mouse as a pointer. As known in the art, laser pointer is an alternative form of a pointer for presentation. Would it be obvious to incorporate a laser pointer into a mouse to perform the same functions as a pointer? In view of Bowers' teaching of various forms of pointing devices, one of ordinary skill in the

art would readily recognize the availability of the various pointing devices and the desire to use them as taught by Bowers. Thus, it would have been obvious to incorporate the laser pointer into the pointing device of Bowers.

26. **Claims 53-55** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowers et al. in view of Stobbs et al (US Patent No. 5,631,669).

With reference to **claim 53-54**, Bowers teaches a wireless input device for transmitting data to a computer comprising a housing (30), a pointing device for generating positional information (72), a transmitter (IR or RF transmitter 90) for transmitting data from the pointing device (see column 7, lines 24-42).

Bowers does not teach to use the mouse to receive and transmit non-pointer related information.

However, Stobbs teaches a wireless mouse, using RF or infrared transmission system, having a microphone integrated therein and a switch (32) for switching between a mouse mode and voice input mode (see column 3 lines 32-44) so as to enable the user to input voice data to the computer (see column 2 lines 30-55).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to integrate a microphone into a mouse as taught by Stobbs in the system of Bowers so as to enable the user to conveniently input voice data to the computer and save desktop space as suggested by Stobbs.

With reference to **claim 55**, Bowers teaches the use of different types of pointing device including a mouse, a keypad, or a joystick (in the center of keyboard, see Figure 1), but fails to teach using the transmitter to transmit data from the joystick.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the device of Bowers to use a joystick as a wireless input device which uses a transmitter to transmit data so as to enable the user to choose a preferred one from different types of input device as suggested by Bowers.

27. **Claim 55** is rejected under 35 U.S.C. 103(a) as being unpatentable over Yeom et al. in view of Bowers et al..

With reference to **claim 55**, while Yeom et al. teaches the preferred embodiment as a mouse ball, it also state that the cursor control device could be any other control input device (see column 4, lines 53-55).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to modify the input device of Yeom as a joystick since it is well known in the art to utilize a joystick for inputting data to a computer, as evidenced by Bowers. The advantage of providing different types of input mechanisms is to enable the user to choose a preferred one from different types of input device as suggested by Bowers.

28. **Claim 62** is rejected under 35 U.S.C. 103(a) as being unpatentable over Bowers et al. in view of Helot et al..

While Bowers et al. teaches all that is required as explained above, however fail to teach that the receiver is mounted on the display section.

Helot et al. teaches at least one infrared sensor (41) disposed on the display section of said notebook computer for receiving signals from the first detached input device by infrared transmission.

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to allow the usage of an infrared sensor disposed on the display section of the notebook computer similar to that which is taught by Helot et al. to be included in a device similar to that which is taught by Bowers et al. in order to provide a notebook computer capable of receiving signals from a sensor attached to the frame of the display so that the device is capable of improved detection of transmission signals.

#### ***Allowable Subject Matter***

29. Claims 14 and 45 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### **(10) Response to Argument**

Appellant's arguments with respect to claims 1-8, 10-17, 20-25, 28-62, and 65 have been considered but are moot in view of the new ground(s) of rejection.

Regarding appellant's argument with respect to claims 53 and 54 (see Brief, pages 9-10), note that Yeom teaches a non-pointing device (microphone) is for generating input information for the computer since data transmitted from the telephone

(includes dial signal and voice signal, see Fig.1) is input to the modem, which is part of the computer and its operation is controlled by the CPU of the computer. Therefore, the Yeom patent meets the limitation "a non-pointing device mounted on said housing, for generating input information for the computer".

Regarding appellant's argument with respect to claims 10-15 and 42-46, note that the rejections has been modified as indicated above. Specifically, Junod teaches an input device having a control circuit conserves power by operating the optical encoder in a periodic pulsed mode (standby mode) when the ball is at rest longer than a preselected time interval (period of nonuse) and the control circuit utilizes the signals of the encoder in the periodic pulsed mode to determine when to resume a continuous position sensing encoder mode (see column 6, lines 37-48 and column 7, lines 1-13).

#### **(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

This examiner's answer contains a new ground of rejection set forth in section (9) above. Accordingly, appellant must within **TWO MONTHS** from the date of this answer exercise one of the following two options to avoid *sua sponte* **dismissal of the appeal** as to the claims subject to the new ground of rejection:

**(1) Reopen prosecution.** Request that prosecution be reopened before the primary examiner by filing a reply under 37 CFR 1.111 with or without amendment, affidavit or other evidence. Any amendment, affidavit or other evidence must be relevant to the new grounds of rejection. A request that complies with 37 CFR 41.39(b)(1) will be entered and considered. Any request that prosecution be reopened will be treated as a request to withdraw the appeal.

**(2) Maintain appeal.** Request that the appeal be maintained by filing a reply brief as set forth in 37 CFR 41.41. Such a reply brief must address each new ground of rejection as set forth in 37 CFR 41.37(c)(1)(vii) and should be in compliance with the other requirements of 37 CFR 41.37(c). If a reply brief filed pursuant to 37 CFR 41.39(b)(2) is accompanied by any amendment, affidavit or other evidence, it shall be treated as a request that prosecution be reopened before the primary examiner under 37 CFR 41.39(b)(1).

Extensions of time under 37 CFR 1.136(a) are not applicable to the TWO MONTH time period set forth above. See 37 CFR 1.136(b) for extensions of time to reply for patent applications and 37 CFR 1.550(c) for extensions of time to reply for ex parte reexamination proceedings.

Respectfully submitted,

Kent Chang



**A Technology Center Director or designee must personally approve the new ground(s) of rejection set forth in section (9) above by signing below:**

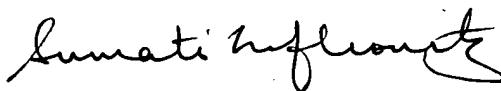
John Peng



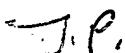
JOHN K. PENG  
QUALITY ASSURANCE SPECIALIST

Conferees:

Sumati Lefkowitz



John Peng



SHEPPARD, MULLIN, RICHTER & HAMPTON LLP  
333 SOUTH HOPE STREET  
48TH FLOOR  
LOS ANGELES CA 90071-1448